

IN THE CIRCUIT COURT OF THE 19TH  
JUDICIAL CIRCUIT IN AND FOR INDIAN  
RIVER COUNTY, FLORIDA

CIVIL DIVISION

20071171 C A 11

AB as Parent and Next Best Friend of CD,

Plaintiffs,

CASE NO.

ASSIGNED TO ROBERT A. HAWLEY

vs.

HIBISCUS CHILDREN'S CENTER, INC.  
d/b/a HIBISCUS CHILDREN'S SHELTER  
a/k/a HIBISCUS CHILDREN'S VILLAGE,

Defendant(s).

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### C O M P L A I N T

COMES NOW the Plaintiff, AB, as Parent and Next Best Friend of CD, by and through her undersigned attorneys and sues the Defendant, HIBISCUS CHILDREN'S CENTER, INC. d/b/a HIBISCUS CHILDREN'S SHELTER a/k/a HIBISCUS CHILDREN'S VILLAGE,(hereinafter referred to as HIBISCUS CENTER), and alleges as follows:

### ALLEGATIONS COMMON TO ALL COUNTS

1. This is a negligence claim in excess of Fifteen Thousand Dollars (\$15,000.00), and otherwise within the jurisdiction of this Court.
2. At all times material, the Defendant, HIBISCUS CENTER owned and operated a foster shelter within the meaning of Florida Statutes Chapter 409 at 1145 12<sup>th</sup> St., Vero Beach, Florida 32966.
3. At all times material, CD, the daughter of AB, was a resident at HIBISCUS CENTER.
4. CD is a minor (Date of birth: March 15, 1999).

5. During CD's stay between May and September of 2005, she was sexually molested by another resident of the Defendant, HIBISCUS CENTER.

6. As a result of mistreatment at the Defendant, HIBISCUS CENTER, CD suffered bodily injury, resulting pain and suffering, disability, mental anguish, loss of the capacity for the enjoyment of life, medical care and treatment. The losses are permanent and continuing and CD will suffer the losses in the future.

#### **COUNT I - NEGLIGENCE**

Plaintiff realleges all prior paragraphs and further alleges as follows:

7. At all times material, the Defendant, HIBISCUS CENTER, had a duty to protect its residents, including but not limited to CD.

8. The Defendant, HIBISCUS CENTER, breached that duty by failing to provide proper supervision of minor children such that CD was sexually molested while in the custody and control of the Defendant, HIBISCUS CENTER. Further the Defendant failed to timely report the incident to the Department of Children and Families.

9. The Defendant, HIBISCUS CENTER, caused the damages set forth above.

#### **COUNT II - STATUTORY NEGLIGENCE PURSUANT TO FLORIDA STATUTE 409**

Plaintiff realleges all prior paragraphs and further alleges as follows:

10. At all times material, the Defendant, HIBISCUS CENTER, pursuant to F.S. Chapter 409.175, 409.176 incorporating by reference F.S. Chapter 39 and F.S. 768.28 had a statutory duty to protect dependant children or children alleged to be dependant while in its custody and control. The Defendant breached that duty by failing to have proper supervision such that CD was sexually molested while in the custody and control of the Defendant, HIBISCUS CENTER. Further the

Defendant failed to timely report the incident to the Department of Children and Families.

11. As a direct and proximate cause and result of that breach of statutory duty, CD sustained the damages as set forth above.

WHEREFORE, Plaintiff, AB, as Parent and Next Best Friend of CD demands judgment for damages against the Defendant, HIBISCUS CHILDREN'S CENTER, INC. d/b/a HIBISCUS CHILDREN'S SHELTER a/k/a HIBISCUS CHILDREN'S VILLAGE, and further demands trial by jury as to all issues so triable as of right .

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